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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/272,958	03/19/1999	ALBERT D. BAKER	18-8	6333

7590 05/28/2003  
RYAN & MASON  
90 FOREST AVENUE  
LOCUST VALLEY, NY 11560

EXAMINER

YAO, KWANG BIN

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/272,958

Applicant(s)

BAKER ET AL.

Examiner

Kwang B. Yao

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,12,13,15-19 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 3,9-11,14 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 4-8, 12, 13, 15-19, 23-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Kasslin et al. (WO 97/02670).

Regarding claim 1, Kasslin et al. discloses a system for connecting a packet data network to a digital radio network comprising the following features: depicted in Fig. 4A, generating a command symbol representative of a plurality of commands in accordance with a terminal protocol supported by a switch of the system, depicted in Fig. 6; and transmitting the command symbol to a terminal having a valid command space which is less than a full command space of the terminal protocol, as depicted in Figs. 7 and 8, wherein the terminal decodes the symbol and executes the corresponding plurality of commands. See column 5-8.

Regarding claim 2, Kasslin et al. discloses the following features: the terminal protocol is a wired terminal protocol, and the terminal is a wireless terminal. See column 5-8.

Regarding claim 4, Kasslin et al. discloses the following features: wherein the wired terminal protocol utilizes a field based fixed length packet format including a header portion and a command portion. See column 5-8.

Regarding claim 5, Kasslin et al. discloses the following features: the header portion includes at least one of a primary switchhook indicator, a secondary switchhook indicator, an extended protocol indicator and a test indicator. See column 5-8.

Regarding claim 6, Kasslin et al. discloses the following features: wherein the command portion includes a command pointer identifying a category of commands and at least one command data segment identifying a particular command in a given one of the categories of commands. See column 5-8.

Regarding claim 7, Kasslin et al. discloses the following features: wherein a given one of the command symbols specifies commands associated with at least the primary switchhook and the test indicator. See column 5-8.

Regarding claim 8, Kasslin et al. discloses the following features: wherein a given one of the command symbols specifies commands associated with at least a portion of the command pointer and the command data segment. See column 5-8.

Claims 12, 13, 16-19 and 23-26 disclose similar limitations as claims 1, 2, 4-8; thereby claims 12, 13, 16-19 and 23-26 are rejected by the same reasons above.

#### ***Allowable Subject Matter***

3. Claims 3, 9-11, 14, 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

4. Applicant's arguments filed 3/25/03 have been fully considered but they are not persuasive.

On page 4, second paragraph, Applicant argues that there is no particular command symbol that is representative of a plurality of commands in Fig. 4A; to the extent in that DAB packet may be viewed as representing a plurality of commands, it is simply the commands themselves that are assembled into the packet; there is no separate generation of a command symbol representative of a plurality of commands. Examiner respectfully disagrees with these arguments. It appears that the arguments are contradicted themselves. First of all, Applicant suggests that there is no particular command symbol in reference of Kasslin et al. to represent a plurality of commands; then Applicant admits that the data in DAB packet may be viewed as representing a plurality of commands. Therefore, it is assumed that Applicant agrees that the data in DAB packet of Kasslin et al. can be read on the claimed command symbol. Furthermore, as for the issue of the separate generation, Kasslin et al. discloses that the block 66 in Fig. 6 is for generating a command symbol (Fig 4A) in DAB packet representative of the command symbols in the packet depicted in Fig. 4B. See column 6, lines 44-55.

On page 4, third paragraph, Applicant argues that the reference of Kasslin et al. suggests that the command space of the mobile terminal will be exactly the same as the command space associated the DAB packet of Fig. 4A, since it will generally be desirable in the Kasslin et al. system for the mobile terminal to be able to utilize any command that may be assembled into the DAB packet of Fig. 4A. Examiner respectfully disagrees with these arguments. Clearly depicted in Figs. 4A, 4B, 7 and 8, the information on one ATM cell are assembled into several DAB packets, thus the command space in one DAB packet is less than the command space in

one ATM cell. See column 7, lines 21-26. Therefore, it is respectfully maintained that Kasslin et al. does anticipate the argued features.

On page 4, last paragraph, Applicant argues that the reference of Kasslin et al. fails to provide the previously-described significant advantages associated with the claimed invention, **such as a reduction in the amount of system bandwidth consumed by commands directed by from a switch to a system terminal.** (Emphasis added). It is noted that the underlined features are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

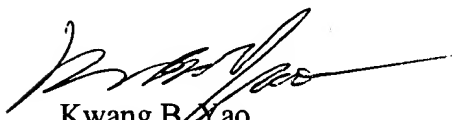
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

**KWANG BIN YAO**  
**PRIMARY EXAMINER**



Kwang B. Yao  
May 25, 2003